

AMENDED IN SENATE JULY 9, 2003
AMENDED IN ASSEMBLY MAY 23, 2003
AMENDED IN ASSEMBLY APRIL 29, 2003
AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1504

Introduced by Assembly Member Spitzer
(Coauthors: Assembly Members Bates, Bogh, Bermudez, Cox,
Daucher, Dutton, Harman, Haynes, Shirley Horton, Maddox,
Maldonado, Maze, McCarthy, Pacheco, and Runner)
(Coauthors: Senators Johnson and Oller)

February 21, 2003

An act to amend Section 1603 of the Penal Code, relating to release of committed persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Spitzer. Release of committed persons.

Existing law provides that in any case in which the victim or next of kin of the victim of an offense for which the person was committed to a state hospital or other treatment facility has filed a request for notice with the director of the state hospital or other treatment facility, he or she shall be notified by the director at the inception of any program in which the committed person would be allowed any type of day release unattended by the staff of the facility. If he or she has filed a request for notification with the court, he or she shall receive actual notice from the court before the committed person is placed on outpatient status.

Existing law also requires that the director of a state hospital notify certain persons upon the release of a person who has been committed to a state hospital.

~~This bill would require the court, prior to the hearing and the physical release of the committed person, to review any requests for notification made by the victim or next of kin of the victim and ensure that the notification is made in a timely manner. prosecutor to notify the victim or next of kin of the victim of the hearing date and pending release of the person.~~

By imposing additional duties on local prosecutors, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1603 of the Penal Code is amended to
- 2 read:
- 3 1603. (a) Any person subject to subdivision (a) of Section
- 4 1601 may be placed on outpatient status if all of the following
- 5 conditions are satisfied:
- 6 (1) The director of the state hospital or other treatment facility
- 7 to which the person has been committed advises the committing
- 8 court *and the prosecutor* that the defendant would no longer be a
- 9 danger to the health and safety of others, including himself or
- 10 herself, while under supervision and treatment in the community,
- 11 and will benefit from that status.

(2) The community program director advises the court that the defendant will benefit from that status, and identifies an appropriate program of supervision and treatment.

~~(3) After actual notice by the court to the prosecutor and defense counsel by the court, and~~

~~(3) The prosecutor shall provide notice of the hearing date and pending release to the victim or next of kin of the victim of the offense for which the person was committed where a request for the notice has been filed with the court, and after a hearing in court, the court specifically approves the recommendation and plan for outpatient status pursuant to Section 1604. Prior the hearing in court and prior to the physical release by the court of any person subject to subdivision (a) of Section 1601, the court shall review any requests for notification made by the victim or next of kin of the victim of the offense for which the person was committed and ensure that the requested notification is made in a timely manner. The burden~~ The burden shall be on the victim or next of kin to the victim to keep the court apprised of the party's current mailing address.

In any case in which the victim or next of kin to the victim has filed a request for notice with the director of the state hospital or other treatment facility, he or she shall be notified by the director at the inception of any program in which the committed person would be allowed any type of day release unattended by the staff of the facility.

(b) The community program director shall prepare and submit the evaluation and the treatment plan specified in paragraph (2) of subdivision (a) to the court within 30 calendar days after notification by the court to do so.

(c) Any evaluations and recommendations pursuant to paragraphs (1) and (2) of subdivision (a) shall include review and consideration of complete, available information regarding the circumstances of the criminal offense and the person's prior criminal history.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the

- 1 *claim for reimbursement does not exceed one million dollars*
- 2 *(\$1,000,000), reimbursement shall be made from the State*
- 3 *Mandates Claims Fund.*

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